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|-----------------|-------------|----------------------|---------------------|------------------|
| 09/761,780      | 01/18/2001  | Ichiro Hashimoto     | 1614.1112           | 5963             |

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EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/761,780

Applicant(s)

HASHIMOTO ET AL.

Examiner

Lynda Jasmin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I (claims 1-7, 9 and 11) in Paper No. 4 is acknowledged. Claims 8, 10 and 12 have been cancelled.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 6, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothman et al. (2002/0072984 A1).

Rothman et al. discloses network-based server device for managing product inventory information on an individual-store basis, the server device is also embodied in a computer-readable medium, having: a receiving unit (via network site 18) for receiving requests for product information from a client device (via user terminals 16); and a processing unit (via network server 12) for transmitting, to the client device in response to the request for product information, product inventory information on an individual-store basis (as disclosed in boxes [046] and [071]) for stores selected on the basis of client or customer identification information (via user personal identification information

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which preferably includes a geographic location). Rothman et al. further discloses the processing unit (12) adds identifying marks to the transmitted inventory information so as to identify stores nearest the address designated by the customer as illustrated in box [075].

4. Claims 1, 2, 4-7, 9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by MacGregor et al. (2002/0087522 A1).

MacGregor et al. discloses network-based server device for managing product inventory information on an individual-store basis and searching product information, the server device is also embodied in a computer-readable medium, having: a receiving unit (via display 200, 400 coupled to the internet) for receiving requests (via search request 204) for product information from a client device (via consumer 304), and a processing unit (via search engine server 308 which includes as in one embodiment processing unit 904) for transmitting, to the client device (304) in response to the request for product information (as disclosed in boxes [0031]), product inventory information (via vendors product inventory) on an individual-store basis for stores selected on the basis of client (based on client parameters identified in the search term 204 or consumer location information). MacGregor et al. further discloses access information for accessing individual stores in the transmitted inventory information (via downloading the store location and complete inventory information for the particular vendors and their specific store locations).

Further, the processing unit (via search engine server which includes processing unit 904) adds features to the inventory information transmitted that make it possible to

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identify inventory information of stores having an address near an address designated by the customer (as illustrated in box [0086]), the processing unit sorts the transmitted inventory information by store in order of proximity to the address designated by the customer (via sequencing logic for sequencing results according to discrete geographic descriptions). Further, the processing unit adds identifying marks to the transmitted inventory information so as to identify stores nearest the address designated by the customer as illustrated in figures 4 and 6). The server device further adds to the store-based inventory information a screen that allows the customer to place a hold on an item (via 436 see box [0054]).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacGregor et al.

MacGregor et al. discloses all the structural elements of the claimed invention, but fail to explicitly suggest hours of operation information for individual stores in the inventory information transmitted. However, MacGregor et al. discloses providing contact information including telephone numbers, e-mail and website address. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was

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made to have modified the contact information providing by MacGregor to include hours of operation for individual store because such modification would facilitate consumer to locate vendors with the desired goods and services when making transaction offline.

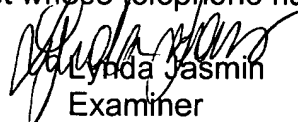
### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Walker et al. discloses a system and method for processing a transaction in which a customer purchases an item. Dworkin discloses a method and system for automated selection of item to be purchase through input of client-desired specifications. Hall et al. discloses an inventory control where local units are displayed as available or unavailable.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1113.

  
Lynda Jasmin  
Examiner  
Art Unit 3627

lj  
August 21, 2003